

Application No.: 09/823,716

Docket No.: SMQ-058

REMARKS

Upon entry of this amendment, claims 3-24 are pending in the application. Claims 1 and 2 have been cancelled without prejudice or disclaimer. Claims 1-24 are rejected. Claims 3, 6, 7, 13, 20 and 24 are amended herein.

Double Patenting

Claims 1-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 09/825,379 and claims 1-20 of copending Application No. 09/825,536.

Applicant notes that a terminal disclaimer may be filed upon the indication of allowable subject matter.

Claim Objections

Claim 24 is objected to because it further limits "the computer-readable medium of claim 20," but claim 20 does not expressly recite a computer-readable medium. Applicant has amended claim 24 to correct this typographical error.

Claim Rejections under 35 USC § 102

Claims 1-24 are rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,112,049 to Sonnenfeld. Applicant traverses this rejection in view of the remarks below.

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Sonnenfeld provides a computer testing system including a database storing a plurality of query sections and parameters. A query server is provided to transmit information to a terminal. The terminal presents inquiries to a user.

Applicant submits that Sonnenfeld does not teach permitting a predetermined number of attempts by the user to enter a correct answer, as recited in claims 3, 7, 13 and 20. The Office Action asserts that, with respect to claim 3, that column 10, lines 21-23 show predetermining the number of attempts the user is permitted. However, Applicant submits that the cited portion of Sonnenfeld is a security feature directed to controlling the number of times an entire test is taken. Specifically, column 10, lines 18-23, recite "The ITS system also provides a number of security features, including: Allowing the test designer to decide who can take your test(s), the number of times they can take them, and when they can take them."

Applicant submits that a security feature directed toward controlling who can take an entire test or the number of times an entire test can be taken does not anticipate a list software tool permitting a predetermined number of attempts by a user to enter a correct answer to a question. Applicant submits that Sonnenfeld does not anticipate an interactive list software tool that could, as claimed by Applicant, permit a predetermined number of attempts by a user to enter a correct answer. In view of the above, Applicant submits that the rejection of claims 3, 7, 13 and 20 is improper and should be withdrawn.

Applicant submits that claims 4-6 are patentable at least by way of their dependency from claim 3. Claims 8-12 are patentable at least by way of their dependency from claim 7. Claims 14-19 are patentable at least by way of their dependency from claim 13, and claims 21-24 are patentable at least by way of their dependency from claim 20.

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Furthermore, Applicant submits that claim 4 is also patentable over Sonnenfeld at least because Sonnenfeld does not teach or suggest a list software tool automatically providing a correct answer in an answer box after the user surpasses a predetermined number of attempts. Applicant notes that column 6, lines 24-25, cited by the Office Action in support of the rejection of claim 4, does not anticipate claim 4. Specifically, column 6, lines 24-25 recites, "[w]hether to show answers and explanations to the questions upon test completion." Applicant submits that the option to display answers upon test completion does not anticipate providing a correct answer in the answer box to a question after a user surpasses a predetermined number of attempts. Sonnenfeld only refers to test completion. Furthermore, Sonnenfeld does not disclose the concept of even providing a predetermined number of attempts to enter a correct answer to a question, as recited in claim 3, from which claim 4 depends. Since Sonnenfeld does not anticipate taking any action after a user surpasses a predetermined number of attempts, Sonnenfeld does not anticipate each and every element of claim 4, including the elements of claim 3 from which claim 4 depends.

Also, Applicant submits that claim 5 is patentable over Sonnenfeld at least because Sonnenfeld does not teach or suggest preventing a user from entering an answer after the predetermined number of attempts. The Office Action again references Sonnenfeld at column 10, lines 19-27, concerning various security features directed to those that are allowed to, and the number of times permitted to, take an entire test. No teaching or suggestion in Sonnenfeld is provided directed toward preventing a user from entering an answer after the predetermined number of attempts, as recited in claim 5. Sonnenfeld does not anticipate taking any action after a user surpasses a predetermined number of attempts. Therefore, Applicant submits that preventing the user from entering an answer to a question after the predetermined

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number of attempts is not anticipated by Sonnenfeld and the rejection of claim 5 is improper. Applicant further notes that claim 5 depends from claim 4 and is also patentable for at least that reason.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SMQ-058 from which the undersigned is authorized to draw.

Date: June 25, 2004

Respectfully submitted,
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